

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Daniel Martin, *individually and as parent and
natural guardian of A.M. his minor child,*

Case No. 3:24-cv-834

Plaintiff,

v.

ORDER

Holiday Inn Hotel & Suites,
an IHG Hotel, et al.,

Defendants.

Plaintiff has filed a notice “dismiss[ing] his Complaint against Defendants, Intellistay Lima, LLC, Sterling Lodging, LLC and Holiday Inn Hotel & Suites, an IHG Hotel, **only**, without prejudice, pursuant to Fed. Civ. R. 41(a)(1).” (Doc. No. 22) (emphasis in original).

Under Rule 41(a)(1), a plaintiff may only voluntarily dismiss a defendant unilaterally “before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). Here, each of these Defendants have filed an Answer. (Doc. Nos. 10, 12, and 14). Therefore, they may only be voluntarily dismissed by “a stipulation of dismissal signed by all parties who have appeared” or an order of the court. Fed. R. Civ. P. 41(a)(1)(A)(ii) & 41(a)(1)(2).

With that, I order that, should any Defendant to this action object to dismissing without prejudice Intellistay Lima, LLC, Sterling Lodging, LLC, or Holiday Inn Hotel & Suites, an IHG Hotel, that Defendant shall file a Notice of its objection no later than August 20, 2024.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge